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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ASHLEY JUDD, an individual,

CASE NO.: 2:18-cv-5724 PSG (FFMx)

**Plaintiff,**

V.

HARVEY WEINSTEIN, an individual,

## Defendant.

**MEMORANDUM OF LAW IN  
SUPPORT OF DEFENDANT  
HARVEY WEINSTEIN'S MOTION  
TO STAY**

**Date:** March 4, 2019  
**Time:** 1:30 p.m.  
**Courtroom:** 6A

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1       Defendant Harvey Weinstein, by his attorneys Kupferstein Manuel LLP,  
2 respectfully submits this memorandum of law in support of his motion to stay this  
3 proceeding pending resolution of the related criminal case in which he was  
4 indicted on felony charges on May 30, 2018. For the reasons set forth below and  
5 in the accompanying Declarations of Benjamin Brafman, Esq. (“Brafman Dec.”)  
6 and Phyllis Kupferstein, Esq. (“Kupferstein Dec.”), Weinstein’s motion should be  
7 granted in all respects.

## Preliminary Statement

Weinstein should not be forced to decide between being prejudiced in this civil litigation, if he asserts his Fifth Amendment privilege, or being prejudiced in criminal litigation, if he waives that privilege in this case. Accordingly, this action should be stayed as Weinstein is presently under criminal indictment for sexual assault and sexual misconduct, and is the subject and/or target of other ongoing criminal investigations arising from alleged conduct similar to that underlying this action. Plaintiff Ashley Judd (“Plaintiff”) alleges she was sexually harassed by Weinstein in a Beverly Hills hotel room in late 1996/early 1997 Plaintiff’s allegations of sexual misconduct parallel the allegations of sexual misconduct in the New York County District Attorney’s Office (“NYDA”) criminal case against Weinstein, as well as the allegations under investigation by the United States Attorney’s Office for the Southern District of New York and the Los Angeles County District Attorney’s Office.

22 It is well-settled that a civil action should be stayed pending a related  
23 criminal action involving similar conduct where the defendant risks incrimination.  
24 Here, given the overlap between the criminal and civil matters, a stay is warranted  
25 as Weinstein is unable to respond to the factual allegations of Plaintiff's First  
26 Amended Complaint, respond to or participate in the discovery process, or  
27 otherwise litigate this matter, without invocation of his constitutional rights against  
28 self-incrimination. If a stay is not granted, Weinstein will be forced to invoke his

1 Fifth Amendment rights, thus rendering him unable to defend himself in the civil  
2 matter. Under fundamental principles of due process, Weinstein is entitled to a stay  
3 of this civil action pending resolution of the pending criminal charges. In the  
4 absence of a stay, this action unfairly burdens Weinstein's constitutional rights to  
5 defend himself against the criminal charges and will potentially interfere with a  
6 criminal prosecution. Therefore, Weinstein's motion to stay should be granted.

## **Statement of Facts**

8 On October 19, 2018, Plaintiff filed her First Amended Complaint (“FAC”)  
9 (Dkt. 26) seeking monetary damages from Weinstein. The FAC alleges causes of  
10 action for, among other things, defamation and unlawful sexual harassment in  
11 violation of California Civil Code Section 51.9. Weinstein has filed a motion to  
12 dismiss Plaintiff’s second cause of action for unlawful sexual harassment, which is  
13 currently pending before this Court.

On May 25, 2018, Mr. Weinstein was arrested in New York and arraigned by the NYDA on charges of criminal sexual act in the first degree, in violation of New York Penal Law § 130.50(1), rape in the first degree, in violation of Penal Law § 130.35(1), and rape in the third degree, in violation of Penal Law § 130.25(1). *See Declaration of Benjamin Brafman (“Brafman Decl.”), ¶ 4.* A grand jury formally indicted Weinstein on those charges on May 30, 2018, in the matter *The People of the State of New York v. Harvey Weinstein*, Docket No. 2018NY023971. On June 5, 2018, Mr. Weinstein pleaded not guilty. Four weeks later, on July 2, 2018, the NYDA filed a superseding indictment charging Weinstein with the crimes of predatory sexual assault (Penal Law § 130.15(2)) (Counts One and Three), criminal sexual act in the first degree (Penal Law § 130.5(1)) (Counts Two and Six), rape in the first degree (Penal Law § 130.35(1)) (Count Four), and rape in the third degree (Penal Law § 130.25(1)) (Count Five). Weinstein is also presently the target of a federal criminal investigation out of the Southern District of New York, as well as the target of active criminal

1 investigations of felony sexual assault allegations in both Los Angeles, California,  
 2 and London, England. Brafman Dec., ¶ 5.<sup>1</sup> The NYDA has also provided formal  
 3 notice to Weinstein that it will be seeking to admit claimed evidence of reported  
 4 uncharged similar acts of sexual conduct at trial of the pending superseding  
 5 indictment. Brafman Dec., ¶ 12.

6 Weinstein moved to dismiss the criminal charges pending against him,  
 7 which was heard before Judge James Burke in Manhattan on December 20, 2018.  
 8 The court denied Weinstein's motion, and set a trial date for May \_\_, 2019.  
 9 Brafman Dec., ¶ 13.

10 **Argument**

11 **I. A STAY IS WARRANTED IN LIGHT OF THE PENDING**  
 12 **CRIMINAL ACTIONS AGAINST WEINSTEIN**

13 A stay should issue here because Weinstein is presently under criminal  
 14 prosecution in the State of New York for the same type of conduct for which  
 15 Plaintiff seeks civil liability in this action. Weinstein is presently facing criminal  
 16 charges for rape and sexual misconduct.<sup>2</sup> In this action, Plaintiff alleges, among  
 17 other things, that Weinstein sexually harassed her in late 1996 or early 1997 and  
 18 retaliated against her for rejecting his purported sexual advances. Dkt. 26, ¶¶ 24,  
 19 27-49, & 63-74. While Plaintiff is not a complaining witness in the criminal  
 20 prosecution, this matter involves the same conduct for which Weinstein was  
 21 indicted, and Plaintiff's FAC alleges purported actions of sexual harassment  
 22 allegedly perpetrated by Weinstein against other actors. Dkt. 26, ¶¶ 15-23. As set  
 23 forth in the Brafman Dec., Weinstein cannot defend himself against Plaintiff's  
 24 sexual harassment claim without also giving testimony and other information  
 25 which may be used by the prosecution against him and which will likely prejudice

26 \_\_\_\_\_  
 27 <sup>1</sup> These investigations and the NYDA prosecution are collectively referred to as the  
 28 "Criminal Actions."

<sup>2</sup> Weinstein adamantly denies all allegations and charges of nonsexual sex and acts  
 of sexual harassment.

1 his defense of the ongoing criminal prosecution. Brafman Dec. ¶¶ 10-11. As  
 2 discussed below, a stay is warranted to preserve Weinstein's Fifth Amendment  
 3 right against self-incrimination.

4       “The Fifth Amendment ‘not only protects the individual against being  
 5 involuntarily called as a witness against himself in a criminal prosecution but also  
 6 privileges him not to answer official questions put to him in any other proceeding,  
 7 civil or criminal, formal or informal, where the answers might incriminate him in  
 8 future criminal proceedings.’” *Baxter v. Palmigiano*, 425 U.S. 308, 316 (1976)  
 9 (internal citations omitted). To avoid the conflict created by parallel civil and  
 10 criminal proceedings, courts may stay civil proceedings “pending the completion  
 11 of parallel criminal prosecutions when the interests of justice seemed to require  
 12 such action [...].” *United States v. Kordel*, 397 U.S. 1, 12 n.27 (1970) (internal  
 13 citations omitted). “A stay can protect a civil defendant from facing the difficult  
 14 choice between being prejudiced in the civil litigation, if the defendant asserts his  
 15 or her Fifth Amendment privilege, or from being prejudiced in the criminal  
 16 litigation if he or she waives that privilege in the civil litigation.” *Louis Vuitton*  
 17 *Malletier S.A. v. LY USA, Inc.*, 676 F.3d 83, 97 (2d Cir. 2012) (citing *United States*  
 18 *v. 4003-4005 5th Ave.*, 55 F.3d 78, 83 (2d Cir. 1995)).

19       While the Constitution does not ordinarily require a stay of civil proceedings  
 20 pending the outcome of criminal proceedings, *see Federal Sav. & Loan Ins. Corp.*  
 21 *v. Molinaro*, 889 F.2d 899, 902 (9th Cir. 1989), “[i]n the absence of substantial  
 22 prejudice to the rights of the parties involved, [simultaneous] parallel [civil and  
 23 criminal] proceedings are unobjectionable under our jurisprudence.” *Securities &*  
 24 *Exchange Comm'n v. Dresser Indus.*, 628 F.2d 1368, 1374 (D.C. Cir.), *cert. denied*,  
 25 449 U.S. 993 (1980). Thus, “a court may decide in its discretion to stay  
 26 civil proceedings ... ‘when the interests of justice seem[ ] to require such action.’”  
 27 *Id.* at 1375 (quoting *United States v. Kordel*, 397 U.S. at 12 n. 27 (1970)). *See also*  
 28 *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324 (9<sup>th</sup> Cir. 1995).

1       The decision whether to stay civil proceedings in the face of a parallel  
2 criminal proceeding should be made "in light of the particular circumstances and  
3 competing interests involved in the case." *Molinaro*, 889 F.2d at 902. This means  
4 the court should consider "the extent to which the defendant's fifth amendment  
5 rights are implicated." *Id.*; *see also Keating*, 45 F.3d at 324. Additional factors the  
6 court should generally consider include: (1) the interest of the plaintiffs in  
7 proceeding expeditiously with this litigation or any particular aspect of it, and the  
8 potential prejudice of delay; (2) the burden which any particular aspect of the  
9 proceedings may impose on defendants; (3) the convenience of the court in the  
10 management of its cases, and the efficient use of judicial resources; (4) the  
11 interests of persons not parties to the civil litigation; and (5) the interest of the  
12 public in the pending civil and criminal litigation. *Keating*, 45 F.3d at 324. *See*  
13 *also Trs. of the Plumbers & Pipefitters Nat'l Pension Fund v. Transworld Mech.*,  
14 886 F. Supp. 1134, 1139 (S.D.N.Y. 1995); *Securities & Exchange Comm'n v.*  
15 *Blaszczak*, 17-civ-3919, 2018 U.S. Dist. LEXIS 2289, \*4 (S.D.N.Y. Jan. 3, 2018);  
16 *In re Adelphia Communs. Secs. Litig.*, 2003 U.S. Dist. LEXIS 9736 at \*7 (E.D. Pa.  
17 May 14, 2003); *Javier H. v. Garcia-Botello*, 218 F.R.D. 72, 74 (W.D.N.Y. 2003);  
18 *Walsh Securities, Inc. v. Cristo Prop. Mgmt, Ltd.*, 7 F. Supp. 2d 523, 527 (D. N.J.  
19 1998). Each of these factors favor the issuance of a stay.

20       A consideration of the relevant factors overwhelmingly weighs in favor of  
21 granting a stay in this case. There is substantial overlap in the issues presented by  
22 the civil and criminal cases. Weinstein is currently under indictment. The burden  
23 on Weinstein has the potential of being dramatically and unfairly negative if the  
24 stay is denied. The interests of the Court and the public both favor resolution of the  
25 criminal charges before the civil case is addressed because, among other reasons, it  
26 will allow the criminal prosecution to proceed unimpeded and unobstructed by any  
27 concerns that may arise in discovery in the civil case. In sum, here, as in *Maloney*  
28 *v. Gordon*, 328 F. Supp. 2d 508, 510 (D. Del. 2004), "[t]he public's interest in the

1 integrity of the criminal case is entitled to precedence over the civil litigant.”  
2 (Citing *Javier H.*, 218 F.R.D. at 75).

3 **II. THE FACT THAT WEINSTEIN IS UNDER INDICTMENT IS THE**  
4 **MOST SIGNIFICANT FACTOR WEIGHING IN FAVOR OF A STAY**

5 The Court should consider the fact that Weinstein is currently under  
6 indictment, which is the “strongest case for deferring civil proceedings until after  
7 completion of criminal proceedings.” *Jones v. Conte*, 2005 WL 1287017, \*1 (N.D.  
8 Cal. Apr. 19, 2015) (J. Illston) (internal quotation omitted); *see also Continental*  
9 *Ins. Co. v. Cota*, 2008 WL 4298372, \*2 (N.D. Cal. Sept. 19, 2008) (stating that the  
10 extent to which fifth amendment rights are implicated by a civil proceeding is the  
11 *first* consideration when evaluating a stay request) (emphasis added). “A stay of a  
12 civil case is most appropriate where a party to the civil case has already been  
13 indicted for the same conduct.” *Transworld*, 886 F. Supp. at 1139 (granting stay  
14 pending related criminal proceeding). *See also Louis Vuitton*, 676 F.3d at 101  
15 (“There is considerable authority for the principle that a stay is most justified  
16 where a movant [...] is already under indictment for a serious criminal offense and  
17 is required at the same time to defend a civil action involving the same subject  
18 matter”). Whether the defendant has been indicted is considered “‘the most  
19 important factor’ to be considered in the balance of factors [...].” *Maldonado v.*  
20 *City of New York*, No. 17-cv-6618 (AJN), 2018 U.S. Dist. LEXIS 93417, at \*4  
21 (S.D.N.Y. June 1, 2018) (internal citations omitted). *See also Hicks v. City of New*  
22 *York*, 268 F. Supp. 2d 238, 242 (E.D.N.Y. 2003) (“A court will generally stay a  
23 civil proceeding when a criminal investigation has ripened into an indictment  
24 against the proponent of a stay”).

25 Weinstein is currently under indictment for sexual assault and rape. Based  
26 upon that factor alone and the serious risks presented as a result, this Court should  
27 stay the civil proceeding. *See Molinaro*, 889 F.2d at 903 (“The case for staying  
28 civil proceedings is a ‘far weaker one’ when ‘[n]o indictment and been returned [,

1 and] no Fifth Amendment privilege is threatened.”) (quoting *Dresser Indus., Inc.*,  
2 628 F.2d at 1376). *See also ESP Capital Partners LP v. Stratos*, 22 F. Supp. 3d  
3 1042, 1045 (N.D. Cal. 2014); *American Express Bus. Fin. Corp. v. RW Prof'l*  
4 *Leasing Servs. Corp.*, 225 F. Supp. 2d 263, 265 (E.D.N.Y. 2002) (granting stay and  
5 noting that a stay is especially appropriate where the movant is under criminal  
6 indictment).

7 **III. THAT THERE IS SUBSTANTIAL OVERLAP BETWEEN THE**  
8 **CIVIL AND CRIMINAL CASES ALSO WARRANTS A STAY**

9 Courts look at the similarities between the civil and criminal cases because  
10 self-incrimination is more likely if there is a significant overlap. *Transworld*, 886  
11 F. Supp. at 1139. For example, in staying the civil proceeding in *Jones*, Judge  
12 Illston noted that civil discovery in the case would overlap with issues in the  
13 criminal matter, holding that “if discovery moves forward, the defendant will be  
14 faced with the difficult choice between asserting his right against self-  
15 incrimination, thereby inviting prejudice in the civil case, or waiving those rights,  
16 thereby courting liability in the [criminal] case.” 2005 WL 1287017, \*\*1, 2.  
17 Where, as here, the civil and criminal actions involve the same subject matter, *i.e.*,  
18 allegations of rape and sexual assault, a stay is likely to be granted. *See Crawford*  
19 & Sons v. Besser, 298 F. Supp. 2d 317, 319 (E.D.N.Y. 2004) (granting stay of all  
20 proceedings including service of answers pending resolution of parallel criminal  
21 action). Importantly, the civil and criminal actions do not need to be premised on  
22 identical facts to create a strong risk of self-incrimination. *See Louis Vuitton*, 676  
23 F.3d at 98. Testimony in a related civil action could constitute admissions of  
24 criminal conduct in a criminal prosecution because, “[e]ven where it would not be  
25 direct evidence of wrongdoing with respect to the scheme charged in the criminal  
26 case, such testimony may be admissible as *Fed. R. Evid. 404(b)* evidence in any  
27 criminal trial.” *Id.* (internal citations omitted). Here, the Criminal Actions and the  
28 civil case, while not involving the same parties, all stem from the same underlying

1 alleged conduct: sexual misconduct. *See McCormick v. Rexroth*, 2010 WL  
2 934242, \* 2 (N.D. Cal. Mar. 15, 2010) (granting stay of civil proceedings pending  
3 resolution of related criminal case where “factual issues in the two cases are  
4 essentially the same”); *Cota*, 2008 WL 4298372, at \*2 (granting stay of civil action  
5 when “[i]t is undisputed that all of the civil actions and the criminal action spring  
6 from the same nucleus of facts”).

7 The impossibility for Mr. Weinstein to respond to Plaintiff’s allegations or  
8 defend himself is exacerbated given the nature of the allegations in this action and  
9 the Criminal Actions. In the pending sex crime prosecutions in New York State  
10 Court, the prosecution often seeks to admit propensity or prior bad act evidence  
11 which is often barred in other types of prosecutions. Brafman Dec., ¶ 12. The  
12 NYDA has already provided notice that it will seek to introduce allegations of  
13 uncharged similar sexual conduct. *Id.* As such, Weinstein cannot give testimony or  
14 evidence concerning the allegations in the FAC regardless of whether Plaintiff is  
15 involved in the Criminal Actions, as it is clear the prosecution is going to seek to  
16 introduce Plaintiff’s allegations as evidence against Weinstein. *Id.* Moreover, as  
17 explained above, the FAC includes allegations concerning Weinstein’s alleged  
18 course of conduct involving other women and not limited to the purported hotel  
19 room incident concerning Plaintiff.

20 The California Superior Court’s decision in *Judy Huth v. William Henry*  
21 *Cosby, Jr.*, BC565560 (Cal. Sup. Ct. Mar. 30, 2016), is instructive. The defendant  
22 in that case was in a very similar situation as Weinstein, in that he was being sued  
23 civilly and criminally prosecuted for sexual assault. Declaration of Phyllis  
24 Kupferstein (“Kupferstein Dec.”), Exhibit 1. In *Huth*, the court granted the  
25 defendant’s motion to stay pending a resolution of a related criminal proceeding  
26 over plaintiff’s objection that the facts and allegations in the civil case were  
27 distinct from those in the criminal matter. In so holding, the court reasoned as  
28 follows:

1 Ms. Huth contends the overlap is virtually nonexistent because Mr. Cosby  
2 has been charged with a crime in a different place, at a different time (1974  
3 in this case versus 2005 in Pennsylvania) and involving a different alleged  
4 victim. The Court disagrees. While there are distinctions between the cases,  
5 temporal and otherwise, the allegations both involve sexual assaults. The  
danger of undermining Mr. Cosby's privilege of self-incrimination is clear.

6 *Id.* at 2 (emphasis added).

7 The United States District Court for the District of Massachusetts came to  
8 the same decision when dealing with a similar fact pattern in *Green v. Cosby*, 177  
9 F. Supp. 3d 673, 680 (D. Mass. 2016). In *Green*, the plaintiffs, who had publicly  
10 accused the defendant of sexual assault, brought a claim for defamation as a result  
11 of the defendant's public response to the allegations of sexual assault. The  
12 defendant filed a motion to stay the civil proceedings because he was, at the time,  
13 under indictment for sexual assault (of a woman unrelated to the *Green* action).  
14 The court granted the defendant's motion for a discovery stay holding that even  
15 though the "civil and criminal cases at issue [...] were not 'entirely parallel,'" due  
16 to the "the unique factual similarities between the allegations [in the civil case] and  
17 those contained in the criminal complaint, there [was] substantial risk that  
18 discovery provided by Defendant [in the civil case] could be used against him in a  
19 criminal trial." *Id.* Here, the facts are more compelling as, unlike in *Green*,  
20 Plaintiff's allegations involve the same type of conduct at issue in the Criminal  
21 Actions. It would be manifestly unjust to permit prosecutors in a criminal case to  
22 mine potentially incriminating evidence against a defendant from a parallel civil  
23 proceeding that they would otherwise not be entitled to in a criminal prosecution.  
24 See Kupferstein Dec., Exhibit 1, at 3. See also *Louis Vuitton*, 676 F.3d at 97, n. 11.

25 Here, the similarities of the allegations in the civil and criminal matters will  
26 undoubtedly place Weinstein in the "quandary of choosing between waiving [his]  
27 Fifth Amendment rights or effectively forfeiting the civil case." *Transworld*, 886  
28 F. Supp. at 1140. In addition to the prosecution by the NYDA, the investigations  
by the Southern District of New York and in Los Angeles and London are ongoing,

1 thereby creating additional risk to Weinstein's liberty interests and constitutional  
2 privilege by this action continuing forward. Brafman Dec., ¶ 5.

3 Moreover, Plaintiff's claims arise out of an alleged incident that occurred in  
4 late 1996 or early 1997. This fact refutes any argument by Plaintiff of her desire to  
5 litigate her sexual harassment and retaliation claim in an expeditious manner.

6 **IV. THE PREJUDICE TO WEINSTEIN OUTWEIGHS ANY PREJUDICE**  
7 **TO PLAINTIFF**

8 While Plaintiff has a legitimate interest in the expeditious resolution of her  
9 case, the prejudice to Weinstein and burden on his constitutional rights outweigh  
10 Plaintiff's interests. *See Volmar Distrib. v. N.Y. Post Co.*, 152 F.R.D. 36, 40  
11 (S.D.N.Y. 1993) (granting stay and holding that while the stay will be an  
12 inconvenience and delay to plaintiffs, "under settled authority the Fifth  
13 Amendment is the more important consideration"). *See also United Techs. Corp. v.*  
14 *Dean*, 906 F. Supp. 27, 28 (D. Mass. 1995) (quoting *Corbin v. Federal Deposit*  
15 *Ins. Corp.*, 74 F.R.D. 147, 149-50 (E.D.N.Y. 1977) ("Nonetheless, while a stay  
16 may cause some inconvenience and delay to [Plaintiffs], 'protection of defendant's  
17 constitutional rights against self-incrimination is the more important  
18 consideration.'"). "Furthermore, because the civil and criminal issues are so  
19 closely intertwined, [Weinstein] may be put to the choice of invoking [his] Fifth  
20 Amendment rights sooner than he ought, if discovery in the civil case is allowed to  
21 proceed [against him] in any capacity, *see Javier H.*, 218 F.R.D. at 75 (citation  
22 omitted), and he also run[s] the risk of exposing [his] criminal defense strategies to  
23 the government, *see In re Adelphia*, 2003 U.S. Dist. LEXIS 9736 at \*14."  
24 *Maloney*, 328 F. Supp. 2d at 512. *Accord American Express*, 225 F. Supp. 2d at  
25 265 (stating that failure to grant a stay may expose defense theories to prosecution  
26 or otherwise prejudice the criminal case).

27 //

28 //

1       **V. THE INTERESTS OF THE PUBLIC AND THE COURT ARE BEST**  
2       **SERVED BY A STAY**

3           Granting the stay will not harm any public interest and will promote judicial  
4           efficiency. This case is brought for the benefit of the Plaintiff, not the public. The  
5           public interest is better served through the criminal proceeding as “the public  
6           interest in the criminal case is entitled to precedence over the civil litigant.” *In re*  
7           *Ivan F. Boesky Sec. Litig.*, 128 F.R.D. 47, 49 (S.D.N.Y. 1989). *See also Crawford*,  
8           298 F. Supp. 2d at 319 (“the public’s interest is also served by preserving the  
9           integrity of the criminal case”). Additionally, “to the extent any evidence produced  
10          by Defendant in discovery here could influence the criminal case, the court notes  
11          that ‘the public interest in unimpeded criminal law enforcement outweighs the civil  
12          interests here.’” *Green*, 177 F. Supp. 3d at 680 (quoting *Securities & Exchange*  
13          *Comm’n v. Telexfree, Inc.*, 52 F. Supp. 3d 349, 353 (D. Mass. 2014)).

14           Moreover, the delay to the Court is minimal as this case is still in the early  
15          stages. Weinstein has brought this motion prior to filing an answer to the FAC,  
16          and there is currently no trial date set. Thus, staying the case may be better for  
17          judicial efficiency. *Maloney*, 328 F. Supp. 2d at 513. As the *Maloney* court  
18          explained:

19           If the civil action is stayed until the conclusion of the criminal proceedings,  
20          then it obviates the need to make rulings regarding potential discovery  
21          disputes involving issues that may affect the criminal case. . . . Furthermore,  
22          the outcome of the criminal proceedings may guide the parties in settlement  
23          discussions and potentially eliminate the need to litigate some or all of the  
24          issues in this case. *See id.* Thus, staying this case preserves judicial resources  
25          and may streamline other aspects of the civil case. As a result, this factor  
26          also weighs in favor of granting a stay.

27          *Id.*

28           **Conclusion**

29           WHEREFORE, for the reasons set forth herein, Defendant Harvey  
30          Weinstein respectfully requests this Court to grant his motion and enter an order  
31          staying this matter, pending resolution of the ongoing criminal case against

1 Weinstein.

2 Dated: January 7, 2019

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